

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

MYNETTE TECHNOLOGIES, INC.
and STEVEN M. COLBY,

Plaintiffs,

V.

THE UNITED STATES,

Defendant,

and

GEMALTO, INC. and IDEMIA IDENTITY
& SECURITY USA LLC,

Intervenor-Defendants.

Case No. 16-cv-01647-RTH

Judge Ryan T. Holte

JOINT MOTION TO AMEND SCHEDULING ORDER

Plaintiffs Mynette Technologies, Inc. and Steven M. Colby (collectively, “Mynette”), Defendant, the United States (“the Government”), and Intervenor-Defendants Gemalto, Inc. (“Gemalto”) and Idemia Identity and Security USA LLC (“Idemia”) (collectively, “the Parties”) respectfully submit this Joint Motion to Amend the dates in the current Scheduling Order, which issued on December 6, 2024 as a Non-PDF Order.

Since the Court's December 6th Order, Plaintiffs and the Government have continued to engage in meaningful settlement discussions and Plaintiffs and counsel for the Government have reached an agreement in principle, subject to recommendations, review, and approval by the relevant Government settlement authority. However, the Government is still negotiating with the relevant contractors, to include Third Parties Gemalto and Idemia, to determine the extent of their contributions to the settlement.

Therefore, to avoid the expense of further litigation, preserve the Parties' and the Court's resources and maintain focus on the settlement discussions, the Parties propose a forty-nine (49) day extension of the remaining scheduled deadlines to allow those settlement discussions to proceed and conclude, unimpeded by the need to simultaneously prepare for and conduct the depositions of the parties' expert witnesses.

For the foregoing reasons, the parties respectfully request that the Court modify the dates in the December 6, 2024 Scheduling Order as follows:

Event	Current Date	Proposed Date
Close of expert discovery (for all issues other than damages), to include expert depositions	January 24, 2025	March 14, 2025
Deadline for dispositive motions under RCFC 56	February 28, 2025	April 18, 2025
Deadline for responses to dispositive motions	March 28, 2025	May 9, 2025
Deadline for replies to dispositive motions	April 11, 2025	May 30, 2025

The Parties have previously sought or obtained a modification of the December 6, 2024 Scheduling Order and respectfully request the Court to modify that Scheduling Order as proposed above.

Respectfully submitted,¹

Dated: January 24, 2025

By: /s/ Robert J. Yorio
 Robert J. Yorio
 CARR & FERRELL LLP
 411 Borel Avenue, Suite 603
 San Mateo, California 94402
 Email: yorio@carrferrell.com

*Counsel for Plaintiffs
 Mynette Technologies, Inc. and
 Steven M. Colby*

BRETT A. SHUMATE
 Acting Assistant Attorney General

SCOTT BOLDEN
 Director

By: /s/ Michel E. Souaya
 MICHEL E. SOUAYA
 Commercial Litigation Branch
 Civil Division

¹ Pursuant to RCFC 20(B) of Appendix E, the filing attorney represents that the other parties have reviewed this document and consent to its filing.

Department of Justice
Washington, D.C. 20530
Email: michel.e.souaya@usdoj.gov

Of Counsel:
CONRAD J. DeWITTE, JR.
Department of Justice

Counsel for the Defendant, The United States

By: /s/ Edward D. Johnson
Edward D. Johnson
MAYER BROWN LLP
Two Palo Alto Square, Suite 300
3000 El Camino Real,
Palo Alto, California 94306
Email: wjohnson@mayerbrown.com

*Counsel for Third-Party Defendant,
Gemalto, Inc.*

By: /s/ Richard L. Brophy
Richard L. Brophy
ARMSTRONG TEASDALE LLP
7700 Forsyth Blvd., Suite 1800
St. Louis, MO 63105
Email: rbrophy@armstrongteasdale.com

*Counsel for Third-Party Defendant Idemia
Identity and Security USA LLC*